

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADARICHARD IDEN,
Plaintiff,

v.

MAURO, et al.,
Defendants.

Case No.: 2:23-cv-00218-GMN-BNW

ORDER

On February 9, 2023, pro se plaintiff Richard Iden, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). Plaintiff's application to proceed *in forma pauperis* is incomplete because Plaintiff did not submit a recent financial certificate or a recent inmate account statement. Instead, Plaintiff submitted documents from two years earlier, i.e., a financial certificate dated September 15, 2021, and an inmate account statement from March 16, 2021, through September 15, 2021. (See ECF No. 1 at 4-12). The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by April 21, 2023**.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a

1 prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**
2 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.
3 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
4 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
5 See 28 U.S.C. § 1915(b).

6 As explained above, Plaintiff's application to proceed *in forma pauperis* is
7 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
8 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
9 fee or file a new fully complete application to proceed *in forma pauperis* with all three
10 required documents.

11 **II. CONCLUSION**

12 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
13 is denied without prejudice.

14 It is further ordered that Plaintiff has **until April 21, 2023**, to either pay the full \$402
15 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three
16 required documents: (1) a completed application with the inmate's two signatures on page
17 3, (2) a completed financial certificate that is signed both by the inmate and the prison or
18 jail official, and (3) a copy of the inmate's trust fund account statement for the previous
19 six-month period.

20 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
21 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
22 to refile the case with the Court, under a new case number, when Plaintiff can file a
23 complete application to proceed *in forma pauperis* or pay the required filing fee.

24 ///

25 ///

26 ///

27 ///

28 ///

1 The Clerk of the Court is directed to send Plaintiff Richard Iden the approved form
2 application to proceed *in forma pauperis* for an inmate and instructions for the same and
3 retain the complaint (ECF No. 1-1) but not file it at this time.

4 DATED: February 21, 2023.

5
6 
7 UNITED STATES MAGISTRATE JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28